

EDMUND BROOKE.

JANUARY 19, 1832.

Mr. BATES, from the Committee on Revolutionary Claims, made the following

REPORT:

*The Committee on Revolutionary Claims, to whom was referred the petition of Edmund Brooke, report:*

The petitioner sets forth, in his petition, that he was appointed and commissioned a Lieutenant of artillery, in the first Virginia regiment, in the continental establishment, and served until the siege of Yorktown, when he was taken sick, and left the service on furlough, to recover his health; and, while absent therefrom, the remnant of his regiment—being two full companies only—was ordered South, and joined General Green's army in South Carolina, and continued there to the close of the war, during which time the petitioner held his commission, and was subject to orders. In the reduced state of his regiment, his services were not needed, and he was, of course, never ordered to resume his station and command in the line of the army. He now claims for the balance of his pay, depreciation of pay and commutation.

The claim has been before Congress for many years. The committee see no equitable claim, on the part of the petitioner to pay, or depreciation of pay; but they think he is entitled to commutation. He held his commission, and was subject to orders to the close of the war. He received from the State of Virginia, the pay to which he was entitled from the State, in the continental line, and the bounty in land, as having served to the close of the war. And he has, at the Treasury Department, been found entitled to, and admitted to the benefit of the act of May 15, 1828, and, consequently, the committee think was entitled, under the resolve of October 21, 1780, to half pay. The ground upon which this claim has been resisted, is, that the name of the petitioner was not to be found upon the last pay roll of his regiment, nor in the Treasury or War Department, as having served to the close of the war. But the evidence of the fact, and manner of his service, combined with his recent admission to the benefit of the act aforesaid, leaves no doubt with the committee that he is justly entitled to the commutation he claims; for which they report a bill.

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